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ABSTRACT

The Williamsburg Charter is a celebration and reaffirmation of the religious liberty, or freedom of conscience, granted by the First Amendment of the United States Constitution. It was drafted and signed by more that 150 national leaders and presented to the nation on June 25, 1988, the 200th anniversary of Virginia's call for a bill of rights. The charter was written by representatives of the leading faiths in the United States (Protestant, Catholic, Jewish, and secularist) in close consultation with leaders of other faiths and a diverse group of distinguished scholars, activists, and political leaders. Its purpose is threefold: (1) to celebrate the uniqueness of the religious liberty clauses in U.S. public life; (2) to reaffirm freedom of conscience for citizens of all faiths or none; and (3) to establish the place of religious liberty in public life and the guiding principles by which people with deep religious differences can contend robustly, but civilly in the public arena. This study guide is designed to help small discussion groups understand the meaning and significance of the principles of religious liberty and of the Williamsburg Charter. The guide works progressively through sections of the charter with questions aimed at what the charter says, what it means, and how it can be applied. A 6-item bibliography for further reading is included. (JB)

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A STUDY GUIDE

TO

THE WILLIAMSBURG CHARTER

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A Study Guide

to

THE WILLIAMSBURG CHARTER

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INTRODUCTION TO THE CHARTER

The Story of the Williamsburg Charter

The Williamsburg Charter is a celebration and reaffirmation of America's "first liberty" -- religious liberty, or freedom of conscience. It was drafted over the course of two years, signed by more than 150 national leaders and presented to the nation on June 25, 1988, the 200th anniversary of Virginia's call for a bill of rights.

The Charter was written by representatives of America's leading faiths -- Protestant, Catholic, Jewish and secularist -- in close consultation with leaders of other faiths, as well as a distinguished and diverse group of scholars, activists and political leaders. Its purpose is three-fold:

- To celebrate the uniqueness of the Religious Liberty clauses in American public life;
- To reaffirm religious liberty, or freedom of conscience, for citizens of all faiths or none;
- To set out the place of religious liberty in public life, and the guiding principles by which people with deep religious differences can contend robustly but civilly in the public arena.

The Williamsburg Charter Foundation is a non-partisan, non-sectarian (and non-profit) organization concerned with the place of religious liberty in American public life.

The Charter project was prompted by three compelling considerations: appreciation for the importance of the First Amendment, disquiet over the style and implications of recent controversies over religion and public life, and a sense of strategic opportunity, with the bicentennial commemoration of the Constitution coinciding with a widespread desire for a better way forward over this vexed but vital issue.

The Charter has been drafted expressly to be in the interest of Americans of all faiths or none.

Purpose of this Study Guide

America is a nation by intention and by ideas. From its beginning, the American experiment was an audacious intellectual and moral project that grew directly from the ferment of debate that was pre-Revolutionary America.

Two hundred years later, discussion of religious liberty confronts us as a heatedly controversial topic in an often unthinking age. This study guide is designed to bring light rather than heat, and to help small discussion groups understand the meaning and significance of the first principles of religious liberty and of the Williamsburg Charter.

Note: The study guide does not include the text of the Charter and the First Amendment. Both are printed under separate cover.

Use of the Study Guide

Each study works progressively through the sections of the Charter. The questions are of three distinct yet related types:

- Observation: What is the Charter saying?
- Interpretation: What does it mean?
- Application: What of it?

Observation questions require us to look back at the text to identify what it says. Interpretation questions enable us to understand the meaning of the text. Application questions encourage us to consider the implications of the text.

Suggestions for Discussion Leaders

1. Encourage everyone to prepare adequately. Ask group members to read through the appropriate section of the Charter **before** each session.

2. Observation questions are intended to be straightforward and may not engender as much discussion as intrepretation and application questions.

3. Be sensitive to know when to move the discussion on, and when to ask a question in a different way so that others can take part. Feel free to ignore any printed question altogether or create questions of your own. Most of all, listen to the others in your group. Do not blindly march along asking every printed question.

4. You may be the most prepared and informed member of the group; be careful not to act as the "expert." Remember that it is more important for you to ask questions than to give mini-speeches. Your role is not to answer all the questions, but to engender discussion.

5. If the discussion is taking longer than you had hoped, you may need to end after the question being considered is covered and then agree to pick up with the same study at your next meeting.

Study One

A TIME FOR REAFFIRMATION

(Part One)

Opening Discussion

In order to launch the discussion and help establish a good discussion group, some introductory questions may be helpful.

1. Why have you come to the discussion? And what are your expectations

2. What does religious liberty mean to you?

3. Do you have firsthand experience of the way other countries deal with religion and politics, or do you come with particular concerns arising out of recent controversies within America? (Beyond stating and explaining these concerns, it would be wiser to save a full discussion of these issues until later as the argument of the Charter unfolds.)

Introduction to the Charter

Read the First Amendment (Inside cover page) and Introduction (pp .7 - 9).

4. The Charter opens with the words, "Keenly aware," just as Thomas Jefferson's Bill for Establishing Religious Liberty begins with "Well aware..." Yet current opinion surveys show that only one American in three knows that religious liberty is guaranteed by the First Amendment, and that when they hear of the First Amendment, 10 times as many Americans think of freedom of speech as think of freedom of religion.[1] Why do you think there is such low knowledge of the Constitution? Do you think it matters?

5. The Charter speaks of "a danger and an opportunity in the present controversies over religion in public life." (p. 8) Do you agree? Can you give examples of each?

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1 See *The Williamsburg Charter Survey on Religion and Public Life*, Table 57

6. The last two paragraphs of the Introduction spell out a distinctive form of "national compact" that combines agreement and disagreements. (p. 8) How does this notion of compact differ from an inter-faith dialog where people work toward believing the same things? How does it differ from the goal of reaching total consensus on political positions and legal interpretations? Do you think the points of unity it does emphasize are sufficient? Do you agree with he claims for the outcome that it celebrates?

Read Section I -- A Time for Reaffirmation (pp. 9-12).

7. The Charter insists on understanding the assumptions behind the Religious Liberty clauses before tackling the problems surrounding them. What are the chief assumptions as it sees them? Why do you think this insistence was important to the Charter drafters?

Focus on Point 1: The Inalienable Right

8. Religious liberty, it is claimed, grows from the characteristic human "will to meaning" expressed in "ultimate beliefs, whether theistic or non-theistic, transcendent or naturalistic." (p. 9) Do you view "ultimate beliefs" as fundamentally human? Do you agree that non-supernatural faiths (such as forms of Buddhism, atheism and secular humanism) should be accorded the same rights as religious beliefs that are explicitly supernatural?

9. The Charter stresses the Framers' link between religious liberty and freedom of conscience. Why was freedom of conscience so important to the Framers? Do you see any difference between the traditional notion of "freedom of conscience" (uncoerced consent to the truth as one is persuaded of it) and modern notions of "freedom of choice," which imply more of a do-it-yourself creative ability?

10. The content of religious liberty is spelled out as "the right to reach, hold, exercise [ultimate beliefs] freely, or change them." Is this just a string of words or does each word add something? How does "free exercise" differ from the right to private worship? What is the significance of the words "or change them" in a day when persuading people to change beliefs is considered unfashionable and creates fears of "proselytism" or "coercion?"

11. The Charter is emphatic about religious liberty **not** depending on certain things, and on how freedom and justice may be gauged by the treatment of the smallest minorities and least popular communities. (p. 9) Do you agree that religious liberty is independent of the wishes of government or democratic

majorities? Think of some specific small minorities and unpopular communities today and use them to estimate the current state of religious liberty in America and the world.

12. The Charter asserts that the "inalienable right" to religious liberty is premised upon the "inviolable dignity" of the human person and not upon science or the social usefulness of the idea. (p. 9) Do you agree? In your judgment, on what does the inviolable dignity of the human person depend? What difference does it make for human rights that different people may give different reasons for protecting human dignity and many may be unable to present any reasons at all?

13. The Charter describes religious liberty as "the foundation of, and...integrally related to all other rights and freedoms." (pp. 9,10) Do you agree or is this hyperbole? What do you see as the relationship between the various freedoms of the Bill of Rights (freedom of religion, speech, the press, assembly and petition)?

14. Some people ground religious liberty no further back than the Bill of Rights, whereas the Charter goes behind both the Constitution and the Declaration of Independence to the "long tradition of rights and liberties" from which both sprang. (p. 10) Is this distinction only a quibble? What practical difference might the distinction make to the inalienability of religious liberty?

Study Two

A TIME FOR REAFFIRMATION

(Part Two)

Focus on Point 2: The Ever Present Danger

1. Do you agree that "confusions of religious and state authority" have been the greatest threat to religious liberty? (p. 10) What experiences and examples do you think the Framers had in mind in barring the possibility of any federally established religion?

2. What do you think Milton meant by "new Presbyter is but old priest writ large"? (p. 10) What is the contemporary point about modern repression which the drafters make by quoting Milton?

3. Do you agree that "the chief menace to religious liberty today is the expanding power of government control over personal behavior and the institutions of society"? (p. 10) Can you give examples? Do you think religious groups invite such government regulations because of their financial irregularities and failure to regard civil rights? Or should religious liberty be maintained despite these shortcomings by religious institutions?

4. The Charter sees religious liberty as "a rare achievement that requires constant protection." (p. 10) Do you agree? Does the fact that so few people (comparatively) are actively committed to understanding and defending religious liberty today indicate that religious liberty is in bad shape or good shape?

Review -- A Time for Reaffirmation (pp. 9-12)

Focus on Point 3: The Most Nearly Perfect Solution

5. Do you agree with the Charter that the Constitution is only "the most nearly perfect solution yet devised," and that there have been occasions when First Amendment protections have been "overridden or imperfectly applied"? (p. 11)

   Can you think of any examples from the past (such as the assassination of Joseph Smith in 1844) or from the last generation (such as the Gobeitas case in 1940 which forced Jehovah's

Witnesses' school children to salute the flag in disregard of their conscientious objection)? What attitude do these incidents leave you with today?

6. How do you see the relationship of the two Religious Liberty clauses (the No establishment clause and the Free exercise clauses)? (p. 11) Do they both serve the same end, or does No establishment have a purpose of its own?

Focus on: Reasons for National Importance

7. Do you agree that religious liberty is America's "first liberty" in a double sense: logically, because freedom of conscience must precede freedom of expression and assembly, and historically, because it did come first as a matter of fact? (point l, p. 11)

8. Explain why you think the Religious Liberty clauses have had the effect of "harnessing otherwise centrifugal forces such as personal liberty and social diversity"? (point 2, p. 12) What other societies do you know of that have had comparable success in blending liberty, diversity and tranquility?

9. How exactly do the Religious Liberty clauses provide an alternative to the totalitarian repression, unbridled nationalism and religious warfare around the world? (point 3, p. 12)

10. What countries can you think of where religion is a key component in the bitter civil strife? How do the Religious Liberty clauses make a practical difference to us as Americans over this question of living with each other's deepest differences? (point 4, p. 12)

11. Why does the Charter argue that the United States is in a unique position to understand both First World and Third World societies? (point 5, p. 12) How has the First Amendment contributed to this? Can you think of cases where American diplomacy and communication have failed to take the religious factor into account or have done so successfully? (For example, in the fall of the Shah and the rise of Khomeini or the Camp David agreement between President Carter, President Sadat and Prime Minister Begin.)

12. Judging from those first two studies, would you agree that "the Religious Liberty provisions hold the key to American distinctiveness and American destiny." (p. 12) What would your estimate be of their importance for our national life?

Study Three

A TIME FOR REAPPRAISAL

Read Section II -- A Time for Reappraisal (pp. 13-17).

Focus on Point 1: The Issue is not only What we Debate, but How

1. Describe and discuss the different ways in which the religion and politics controversies have been portrayed in the press, media and in the activists' rhetoric ("American Ayatollahs" versus "godless humanists" and so on). Does your experience support the drafters' claim (p. 13) that the emphasis is usually on the **content** of the differences rather than on the **manner** in which the differences are debated?

2. Do you think most Americans fully appreciate the distinction between "the two questions" (p. 13) on which the republic depends? Do you agree that the First Amendment operates as a sort of "peace treaty" between religions in public life, or -- more accurately -- as the equivalent for religion and politics of the Queensberry Rules in boxing contests?

3. Clearly, the drafters believe that conflicts over religion and public life will, and should, continue. (p. 13) Describe in your own words their view of commitment-cum-civility, or "fighting by the rules," that is neither wimpish nor an all-out conflict.

Focus on Point 2: The Issue Is Not Sectarian, But National

4. Do you agree with the assertion that "the role of religion in public lifeis too often devalued or dismissed in public debate"? (pp. 13, 14) Do you know examples of religion being viewed as simply private, sectarian or divisive?

5. What do you think Tocqueville meant by describing religion in America as "the first of their political institutions"? (p. 14) Or the drafters mean by saying that this role is "not so much despite disestablishment as because of disestablishment"?

6. The last paragraph is one of the key paragraphs in the Charter. Do you agree that the American form of government simultaneously "depends upon ultimate beliefs" and "rejects any

official formulation of them"? (p. 14) How has the First Amendment created this remarkable balance? Do you see any relationship between this state of affairs over religion and the ideals of a free market economy?

Focus on Part 3: The Issue is Larger Than the Disputants

7. Do you think this description of "recent controversies" (p. 14) is true or exaggerated? Do you have personal experience of any of these excesses?

8. Do you agree that "each side has become the best argument for the other"? (p.14) Where it has happened, how much do you believe it to be deliberate and how much the accidental result of factors such as direct mail fundraising (with the inevitable appeal to fears and exaggerations)?

9. What examples can you think of where "the several sides have pursued their objectives in ways which contradict their own best ideals"? (p. 14)

10. Opinion surveys show an odd fact: Americans believe (45% to 41%, with 14% not knowing) that "there's less religious tolerance today than there was 20 or 30 years ago," yet the same polls show that tolerance has in fact generally increased.[2] What do you think has caused this gap between perceptions and reality? What part has been played by the style of recent controversies over religion and politics?

Focus on Point 4: The Issue Is Understandably Threatening

11. Do you think it is important to take account of "the genuine grievances or justifiable fears of opposing points of views"? (p. 14) Why?

12. Do you accept the Charter's argument that, despite our official disestablishment, there has been the tendency to move toward unofficial "semi-establishments"? (p. 15) Quite apart from which faiths have been involved, why do you think this has happened?

13. What is the difference between a legitimate, influential role for Protestantism in American culture and its illegitimate role as a "**de facto** semi establishment" in national institutions." (p. 15) What grounds did Catholics and Jews have for objecting? With hindsight, do you agree with them or not?

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2 See *The Williamsburg Charter Survey on Religion and Public Life*, Table 52

14. Why do people believe that there has been a "move toward the **de facto** semi-establishment of a wholly secular understanding" in certain national institutions? (p. 15) What weight would you give to the different factors cited in explanation? ("secular humanism," Supreme Court decisions, the desire of textbook publishers and school boards not to offend anyone, overreaction to Fundamentalist reactions, the growing secularity of American public life as a whole, and so on.)

15. Have you heard of anyone who advocates theocracy or wants to reconstruct and establish a "Christian America"? What are the justifiable fears" (p. 15) which such advocacy engenders?

16. Have you heard of anyone who openly wants to remove all religion from public life, or whose argument seems to lead in that direction?

17. Why do you think the Charter takes such pains to distinguish "public" and "governmental" and to insist on the falseness of the impression that "public equals secular or "religion equals private"? (p. 16)

18. If the Religious Liberty clauses are not a once-for-all answer to all the problems of religion and public life, what **do** they provide? Where do you think we are today in the ongoing "process of adjustment and readjustment"? (p. 16)

Study Four

A TIME FOR RECONSTITUTION

Read Section III -- A Time for Reconstitution (pp. 17 - 22)

1. How does the Charter define the idea of "reconstitution"? (p. 17) What is the difference between this view of reconstitution and contrasting current proposals, such as for a Constitutional Amendment or a "living, elastic Constitution"?

Focus on Point 1: The Criteria Must Be Multiple

2. What does the Charter see as the two "great dangers in interpreting the Constitution today"? (p. 17) Do you agree, and if so, which do you think is the greater danger?

3. The farsightedness of the Framers is legendary, but can you think of examples of "history's sometimes surprising results," (p. 18) which might have surprised even the framers? What difference do these developments make to our interpretation of the "intention of the Framers"?

Focus on Point 2: The Consensus Must Be Dynamic

4. The Charter underscores the Framers' understanding of the needed link between the Constitution as law and the constitution in the sense of the beliefs and customs of American people (what Tocqueville later called "the habits of the heart"). Do you agree that this is important? Do you think the relationship is strong today? How do you assess today's litigiousness and almost automatic resort to law in the light of this relationship?

5. Is there a consensus in your circles on "religious liberty as a positive good"? (p. 18) Which of the half-truths and misconceptions listed have you come across?

6. The last three paragraphs of Part 2 describe the finely balanced genius of the First Amendment's shaping of religion and government. How do you see the relationship of each to the other and of both to democracy?

Focus on Point 3: The Compact Must Be Mutual

7. Which do you think is in a healthier condition today, commitment to religious liberty as a "universal right" or commitment to "the universal duty to respect that right" for others? (p. 19)

8. Why do you think it is that "victims of religious discrimination have often later become perpetrators" of discrimination themselves? (p.19) Do you know of current examples of this tendency?

9. When the Charter speaks of the First Amendment as "the golden rule for civic life," is it appealing to idealism or to self-interest, or to both? (p. 20)

10. Pick an issue from recent controversies over religion and public life and explore whether there would be practical implications in following the golden rule as set out in the Charter (for example, the question of religion in "values education" in the public school).

Study Five

GUIDELINES FOR PUBLIC DEBATE

Read -- Guidelines for Public Debate (middle of p. 20ff))

1. The Charter sets out guidelines that "are not, and must not be, mandated by law." (p. 20) Do you see them as weaker or stronger if only a matter of voluntary commitment? What is the strength today of the American tradition of covenant/compact/consensus to which this proposal is addressed?

Focus on 1st Guideline: Dissent Assumes Debate

2. What do you think would be the outcome if "a general consent to the obligations of citizenship" (p. 20) were not supported generally? What would happen if a people with highly diverse and incompatible beliefs had no constraints on their liberty?

3. What do you think of groups, such as the Amish, "who do not wish to participate in the public ordering of our common life"? (p. 20) How dothey differ from drop-outs or those who are simply apathetic about politics?

4. What are the marks of responsible political debate? Use them to evaluate the contributions of different activists in recent controversies over religion and politics?

Focus on 2nd Guideline: Criticism Assumes Comprehension

5. How is it that freedom of conscience is "jeopardized by false tolerance as well as by outright intolerance"? (p. 20)

6. Think of and discuss examples of debased tolerance and genuine tolerance?

7. In the light of paragraphs 2 and 3 (p. 21), how do you view the Charter's notion of "civility"? Is it a weak and passive acceptance of anything and everything? If not, how does it differ from dogmatism and intolerance?

Focus on 3rd Guideline: Influence Assumes No Inflamation

8. Think of and discuss incidents where evidence of religious influence on public policy has been rejected as "an imposition" or "an establishment of religion"? (p. 21)

9. Think of and discuss some of the "dynamic social movements in American history" that have been motivated by religious faith? (p. 21) Do you think these would have been possible without the appropriate influence of faith?

10. The Charter gives several examples of the confusions between principles and politics that have inflamed politics recently. (p. 22, paragraph 3) Discuss an appropriate response to **one** of them.

Focus on 4th Guideline: Participation Assumes Persuasion

11. Why do the drafters argue that "the natural logic of the Religious Liberty provisions is to foster a political culture of persuasion"? (p. 22) Do you agree?

12. In light of the Charter, how should this persuasion be conducted?

13. In light of the Charter, how should this persuasion **not** be conducted?

Read Conclusion -- Renewal of First Principles (p. 23)

14. Share the main lessons concerning religious liberty that you have come to appreciate more clearly in the light of these discussions of the Williamsburg Charter. What personal commitments can you make to help keep the beacon of religious liberty burning brightly in our generation?

FOR FURTHER READING

- For a comprehensive, up-to-date picture of American attitudes toward religion in the public arena:

  The Williamsburg Charter Survey on Religion and Public Life, (The Williamsburg Charter Foundation 1988)

- For a brief and readable introduction to the history of the Religious Liberty clauses:

  William Lee and Cynthia Miller, *Williamsburg: Cradle of the First Liberty* (The Colonial Williamsburg Foundation 1988)

- For a deeper but still highly readable historical study of the First Amendment:

  William Lee Miller, *First Liberty*, (New York: Alfred Knopf, 1986)

- For helpful discussion of the contemporary issues of religion and public life:

  A. James Reichley, *Religion in American Public Life* (Washington, D. C.: The Brookings Institution, 1985)

  Richard John Neuhaus, *The Naked Public Square* (Grand Rapids, Michigan: Eerdmans, 1984).

- For the text of the great documents of American religious liberty:

  Edwin S. Gaustad (ed.), *A Documentary History of Religion in America, Volume I: To the Civil War* (Grand Rapids, Michigan: Eerdmans, 1982)

  See especially Chapter Four:

  The Virginia Declaration of Rights (1776)

  Thomas Jefferson, *Bill for Establishing Religious Freedom* (1779)

  Isaac Backus, *A Declaration of the Rights of the Inhabitants of the State of Massachusetts Bay* (1779)

  James Madison, *Memorial and Remonstrance* (1785)